

**BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Susan Lesnik, Ph.D.

Respondent.

Case No. W281

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 9, 2005.

It is so ORDERED January 10, 2005.

*Jacqueline Horn, Ph.D.*

\_\_\_\_\_  
FOR THE BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
Jacqueline Horn, Ph.D., President

RECEIVED

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11 Attorneys for Complainant

12 **BEFORE THE**  
13 **BOARD OF PSYCHOLOGY**  
14 **DEPARTMENT OF CONSUMER AFFAIRS**  
15 **STATE OF CALIFORNIA**

16 In the Matter of the Accusation Against:

Case No. W281

17 SUSAN LESNIK, Ph.D.  
18 47 Lakeside Drive  
19 Bluffton, SC 29910

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

20 Psychologist License No. PSY11783

21 Respondent.

22 In the interest of a prompt and speedy resolution of this matter, consistent with the  
23 public interest and the responsibility of the Board of Psychology of the Department of Consumer  
24 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which  
25 will be submitted to the Board for approval and adoption as the final disposition of the  
26 Accusation.

**PARTIES**

27 1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board  
28 of Psychology. He brought this action solely in his official capacity and is represented in this  
matter by Bill Lockyer, Attorney General of the State of California, by Isa R. Rodriguez, Deputy  
Attorney General.

2. Susan M. Lesnik, Ph.D., is representing herself in this proceeding and has  
chosen not to exercise her right to be represented by counsel.

3. On or about August 1, 1990, the Board of Psychology issued Psychologist License Number PSY11783 to Susan Lesnik, Ph.D.

## JURISDICTION

4. Accusation No. W281 was filed before the Board of Psychology (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 15, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. W281 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. w281 Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. W281, if proven at a hearing, constitute cause for imposing discipline upon her psychologist license.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could

1 establish a factual basis for the charges in the Accusation and that those charges constitute cause  
2 for discipline. Respondent hereby gives up her right to contest that cause for discipline exists  
3 based on those charges.

4 10. Respondent understands that by signing this stipulation she enables the  
5 Board to issue an order accepting the surrender of her psychologist license without further  
6 process.

7 RESERVATION

8 11. The admissions made by Respondent herein are only for the purposes of  
9 this proceeding, or any other proceedings in which the Board of Psychology or other professional  
10 licensing agency is involved, and shall not be admissible in any other criminal or civil  
11 proceeding.

12 CONTINGENCY

13 12. This stipulation shall be subject to approval by the Board of Psychology.  
14 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
15 Psychology may communicate directly with the Board regarding this stipulation and settlement,  
16 without notice to or participation by Respondent. By signing the stipulation, Respondent  
17 understands and agrees that she may not withdraw her agreement or seek to rescind the  
18 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
19 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of  
20 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
21 the parties, and the Board shall not be disqualified from further action by having considered this  
22 matter.

23 13. The parties understand and agree that facsimile copies of this Stipulated  
24 Surrender of License and Order, including facsimile signatures thereto, shall have the same force  
25 and effect as the originals.

26 14. In consideration of the foregoing admissions and stipulations, the parties  
27 agree that the Board may, without further notice or formal proceeding, issue and enter the  
28 following Order:

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15. The surrender of Respondent's psychologist license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

17. Respondent shall cause to be delivered to the Board both her wall and pocket license certificate on or before the effective date of the Decision and Order.

19. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. W281 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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1 ACCEPTANCE

2 I have carefully read the Stipulated Surrender of License and Order. I understand  
3 the stipulation and the effect it will have on my psychologist license. I enter into this Stipulated  
4 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
5 by the Decision and Order of the Board of Psychology.

6 DATED: 12-3-04.

7  
8 Susan M. Lesnik, Ph.D.  
9 Susan Lesnik, Ph.D.  
Respondent

10  
11  
12 ENDORSEMENT

13 The foregoing Stipulated Surrender of License and Order is hereby respectfully  
14 submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

15  
16 DATED: 12/16/04.

17  
18 BILL LOCKYER, Attorney General  
19 of the State of California

20 ISA R. RODRIGUEZ  
21 ISA R. RODRIGUEZ  
22 Deputy Attorney General

23 Attorneys for Complainant

24 IRR:lg  
11/15/04  
25 DOJ Docket Number/Matter ID: 03598160-SA2004101446  
26 stipulation.wpd  
27  
28

**Exhibit A**

**Accusation No.** W281

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ISA R. RODRIGUEZ, State Bar No. 104838  
Deputy Attorney General  
3 California Department of Justice  
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FILED  
STATE OF CALIFORNIA  
BOARD OF PSYCHOLOGY  
SACRAMENTO October 15 2004  
BY M. Jackman ANALYST

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **BOARD OF PSYCHOLOGY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. W281

13 SUSAN LESNIK, PH.D.  
14 47 Lakeside Drive  
Bluffton, SC 29910

**ACCUSATION**

15 Psychologist License No. PSY 11783

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Thomas S. O'Connor (Complainant) brings this Accusation solely in his  
19 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer  
20 Affairs.

21 2. On or about August 1, 1990, the Board of Psychology issued Psychologist  
22 License Number PSY 11783 to SUSAN LESNIK, Ph.D. (Respondent). The Psychologist  
23 License was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on February 28, 2006, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Psychology (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.



1                   4.       Section 2960 of the Code states:

2                   The board may refuse to issue any registration or license, or may issue a  
3 registration or license with terms and conditions, or may suspend or revoke the  
4 registration or license of any registrant or licensee if the applicant, registrant, or licensee  
5 has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not  
6 be limited to:

7                   (a) Conviction of a crime substantially related to the qualifications, functions or  
8 duties of a psychologist or psychological assistant.

9                   (b) Use of any controlled substance as defined in Division 10 (commencing with  
10 Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic  
11 beverage to an extent or in a manner dangerous to himself or herself, any other person, or  
12 the public, or to an extent that this use impairs his or her ability to perform the work of a  
13 psychologist with safety to the public.

14                   (c) Fraudulently or neglectfully misrepresenting the type or status of license or  
15 registration actually held.

16                   (d) Impersonating another person holding a psychology license or allowing  
17 another person to use his or her license or registration.

18                   (e) Using fraud or deception in applying for a license or registration or in passing  
19 the examination provided for in this chapter.

20                   (f) Paying, or offering to pay, accepting, or soliciting any consideration,  
21 compensation, or remuneration, whether monetary or otherwise, for the referral of clients.

22                   (g) Violating Section 17500.

23                   (h) Willful, unauthorized communication of information received in professional  
24 confidence.

25                   (i) Violating any rule of professional conduct promulgated by the board and set  
26 forth in regulations duly adopted under this chapter.

27                   (j) Being grossly negligent in the practice of his or her profession.

28                   (k) Violating any of the provisions of this chapter or regulations duly adopted

thereunder.

(l) The aiding or abetting of any person to engage in the unlawful practice of psychology.

(m) The suspension, revocation or imposition of probationary conditions by another state or country of a license or certificate to practice psychology or as a psychological assistant issued by that state or country to a person also holding a license or registration issued under this chapter if the act for which the disciplinary action was taken constitutes a violation of this section.

(n) The commission of any dishonest, corrupt, or fraudulent act.

(o) Any act of sexual abuse, or sexual relations with a patient or former patient within two years following termination of therapy, or sexual misconduct that is substantially related to the qualifications, functions or duties of a psychologist or psychological assistant or registered psychologist.

(p) Functioning outside of his or her particular field or fields of competence as established by his or her education, training, and experience.

(q) Willful failure to submit, on behalf of an applicant for licensure, verification of supervised experience to the board.

(r) Repeated acts of negligence.

5. Section 2936 of the Code states:

The board shall adopt a program of consumer and professional education in matters relevant to the ethical practice of psychology. The board shall establish as its standards of ethical conduct relating to the practice of psychology, the code of ethics adopted and published by the American Psychological Association (APA). Those standards shall be applied by the board as the accepted standard of care in all licensing examination development and in all board enforcement policies and disciplinary case evaluations. To facilitate consumers in receiving appropriate psychological services, all licensees and registrants shall be required to post, in a conspicuous location in their principal psychological business office, a notice which reads as follows: "NOTICE: The Department of Consumer Affairs receives questions and complaints

1 regarding the practice of psychology. If you have any questions or complaints, you may contact  
2 this department by calling (insert appropriate regional number) or (insert appropriate telephone  
3 number), or by writing to the following address: Board of Psychology, 1422 Howe Avenue, Ste.  
4 22, Sacramento, California 95825-3236"

5 ETHICAL PRINCIPLES OF PSYCHOLOGISTS AND CODE OF CONDUCT (1992)<sup>1</sup>

6 6. Ethical Standard 1.17 states:

7 (a) In many communities and situations, it may not be feasible or reasonable for  
8 psychologists to avoid social or other nonprofessional contacts with persons such as  
9 patients, clients, students, supervisees, or research participants. Psychologists must  
10 always be sensitive to the potential harmful effects of other contacts on their work and on  
11 those persons with whom they deal. A psychologist refrains from entering into or  
12 promising another personal, scientific, professional, financial, or other relationship with  
13 such persons if it appears likely that such a relationship reasonably might impair the  
14 psychologist's objectivity or otherwise interfere with the psychologist's effectively  
15 performing his or her functions as a psychologist, or might harm or exploit the other  
16 party.

17 (b) Likewise, whenever feasible, a psychologist refrains from taking on  
18 professional or scientific obligations when pre-existing relationships would create a risk  
19 of such harm.

20 (c) If a psychologist finds that, due to unforeseen factors, a potentially harmful  
21 multiple relationship has arisen, the psychologist attempts to resolve it with due regard  
22 for the best interests of the affected person and maximal compliance with the Ethics  
23 Code.

24 7. Ethical Standard 4.03 states:

25 (a) When a psychologist agrees to provide services to several persons who have a  
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27 1. Established by the American Psychological Association, updated in 2002, effective June  
28 1, 2003 ([www.apa.org/ethics/code](http://www.apa.org/ethics/code) 1992).

1 relationship (such as husband and wife or parents and children), the psychologist attempts  
2 to clarify at the outset (1) which of the individuals are patients or clients and (2) the  
3 relationship the psychologist will have with each person. This clarification includes the  
4 role of the psychologist and the probable uses of the services provided or the information  
5 obtained. (See also Standard 5.01, Discussing the Limits of Confidentiality.)

6 (b) As soon as it becomes apparent that the psychologist may be called on to  
7 perform potentially conflicting roles (such as marital counselor to husband and wife, and  
8 then witness for one party in a divorce proceeding), the psychologist attempts to clarify  
9 and adjust, or withdraw from, roles appropriately. (See also Standard 7.03, Clarification  
10 of Role, under Forensic Activities.)

#### 11 COST RECOVERY

12  
13 8. Section 125.3 of the Code provides, in pertinent part, that the Board may  
14 request the administrative law judge to direct a licensee found to have committed a violation or  
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
16 and enforcement of the case.

#### 17 FIRST CAUSE FOR DISCIPLINE

18 (Gross Negligence - Code § 2960(j):)

19 9. Respondent is subject to disciplinary action under section 2960(j) of the  
20 Code in that she engaged multiple relations with Patient K.P. <sup>2</sup> and was therefore grossly  
21 negligent. The circumstances are as follows:

22 10. On or about March 19, 1999, through on or about June 25, 2002, Patient  
23 K.P. saw respondent for psychotherapy. In or about April 2001, K.P. began a relationship with  
24 T.V., a former patient of respondent, who in fact, had recommended respondent to K.P. T.V. had  
25 been respondent's patient from on or about October 26, 1999, through on or about June 5, 2000.  
26 Some time in April 2002, K.P. and T.V. had a joint session with respondent to discuss the  
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28 2. Initials used throughout this document are to protect privacy.

1 deteriorating relationship between K.P. and T.V., although T.V.'s presence was based on a  
2 request from K.P. From on or about June 13, 2002 through in or about August 2002, respondent  
3 dated T.V. Thereafter, respondent and T.V. remained friends but stopped dating. On June 25,  
4 2002, K.P. had a therapy session with respondent wherein K.P. confronted respondent about  
5 respondent's then ongoing relationship with T.V. Respondent did not deny the relationship with  
6 T.V. and told K.P. she and T.V. "have feelings." K.P. terminated her therapeutic relationship  
7 with respondent after this last session and never returned.

8  
9 11. Respondent's conduct as set forth in paragraph 10, above, has exposed her  
10 license to discipline pursuant to Code section 2960(j) in that she was grossly negligent in the care  
11 provided K.P. due to the multiple relationships she had with K.P. and T.V.

#### 12 SECOND CAUSE FOR DISCIPLINE

13 (Violating APA Ethical Standards - Code § 2936)

14 12. The facts alleged in paragraph 10, above, are realleged and incorporated by  
15 reference as if fully set forth here.

16 13. Respondent's conduct as set forth in paragraph 10, above, has exposed his  
17 license to discipline pursuant to Code section 2936 in that she violated sections 1.17 and 4.03 of  
18 the Ethical Standards of the American Psychological Association, as follows:

19 a.) Section 1.17(a): respondent failed to avoid multiple relationships with K.P.  
20 and T.V. likely to impair her objectivity or interfere with her duties or functions as a  
21 psychologist or which might harm or exploit K.P. and/or T.V.;

22 b.) Section 1.17(b): respondent failed to refrain from taking on professional  
23 obligations when pre-existing relationships created a risk of harm;

24 c.) Section 1.17(c): respondent failed to resolve the multiple relationships with  
25 due regard for the best interests of K.P. and/or T.V.;

26 d.) Section 4.03(a): respondent failed to clarify at the outset what her relationship  
27 was with K.P. and/or T.V., individually or collectively; and  
28

1 e.) Section 4.03(b): respondent failed to clarify, adjust, or withdraw from her  
2 conflicting roles as soon as she became aware of the potential conflicts.  
3

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
6 alleged, and that following the hearing, the Board of Psychology issue a decision:  
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8 1. Revoking or suspending Psychologist Number PSY 11783, issued to  
9 SUSAN LESNIK, Ph.D.;

10 2. Ordering SUSAN LESNIK, Ph.D. to pay the Board of Psychology the  
11 reasonable costs of the investigation and enforcement of this case, and, if placed on probation,  
12 the costs of probation monitoring;

13 3. Taking such other and further action as deemed necessary and proper.  
14

15 DATED: October 15, 2004.  
16  
17

18 

19 THOMAS S. O'CONNOR  
20 Executive Officer  
21 Board of Psychology  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

25 03598160-SA2004101446

26 accusation.wpd

27 IRR:lg  
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